

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY J. WEBSTER,
Petitioner,

vs.

S.W. ORNOSKI, Acting
Warden of the California State Prison
at San Quentin,
Respondent.

No. CIV S-93-0306 LKK DAD DP

DEATH PENALTY CASE

REVISED SCHEDULING ORDER

This capital habeas action came before the court on April 30, 2008, for a status conference. James S. Thomson and Timothy J. Foley appeared on behalf of petitioner. Deputy Attorney General Catherine Chatman and Supervising Deputy Attorney General Ward A. Campbell appeared on behalf of respondent.

Having considered the written materials submitted in connection with the status conference, and after hearing from the parties, and good cause appearing, the schedule for the submission of evidence and briefing on the three claims for which an evidentiary hearing was granted is hereby revised as follows:

1. With regard to the ineffective assistance of counsel at penalty phase claim: The evidence on this claim having been submitted, and the petitioner's opening brief having been filed, the remaining briefing schedule for the claim is set as follows:

respondent's brief shall be due July 18, 2008; petitioner's reply brief shall be due August 1, 2008.

2. With regard to the appellate process claim:

- A. Petitioner shall submit any additional witness designations, with submission of declarations and exhibits, by June 30, 2008.
- B. Respondent shall file any opposition or objections to the petitioner's witnesses, declarations and exhibits by July 30, 2008.
- C. Respondent shall submit any witness designations, with submission of declarations and exhibits, by August 29, 2008.
- D. Depositions of the witnesses shall be completed by October 3, 2008.
- E. An evidentiary hearing, should in-court testimony be required on this claim, is set for October 15, 2008, at 9:00.
- F. The previously set June 11, 2008, date for an evidentiary hearing is vacated.

3. With regard to the no narrowing claim, the previously scheduled timetable for submission of evidence is vacated. A new timetable will be scheduled at a later time.

4. The August 13, 2008, status conference date will remain. At that status conference, the parties should discuss the general progress of the case, the need for further actions on the appellate process claim, and the scheduling of the timetable for the no narrowing claim.

IT IS SO ORDERED.

DATED: April 30, 2008.



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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1 submitted by:

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